IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE GHULAM MOHAMMED
WRIT PETITION NO : 16962 of 1994

Between:
1 T.Srinivasulu, S/o. T.Mohan.
P.No.528, Byragi Pettadi, Tirupati,
Chittoor.
2 P.Chandrasekhar, S/o. P.Rajaiah.
Chinta Kalva, Pathi Poithur,
Chittoor.
3 P.Mohan, S/o. P.Venkat Swamy.
P.No.528, Byragi pettadi,
Tirupathi.
4 K.Munaswamy, S/o. K.Laxmaiah,
Chinta Kalva, Pathi Poithur,
Chittoor.

....
PETITIONERS

AND

The Executive Officer, TTD.,
Tirupati, Chittoor.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or Direction more particularly in the nature of Mandamus declaring the action of the respondent in not regularising the service of the petitioners as Assistants as arbitrary, descriminatory and violative of Articles of 14 & 16 of Constitution of India and consequently direct the respondents to regularise the service of the petitioners as Assistants with effect from 01/08/1991 with all consequential benefits.

Counsel for the Petitioner:MR.MANOJ K.PRASAD

Counsel for the Respondent No.: MR.A.K.JAYAPRAKASH RAO,S.C. for T.T.D.

The Court made the following :

ORDER

This Writ Petition is filed seeking regularization of services of the petitioners as Assistants with effect from 1-8-1991with all consequential benefits.

The case of the petitioners is that they were employed with the respondent as volunteers on daily wage basis. Pursuant to G.O.Ms.No.391 dated 6-5-1991 the services of the petitioners as volunteers were regularized vide proceedings of the respondent in Roc.No.B6/39272/90 dated 1-5-1991. It is further stated that one N.Radha Krishna who was appointed as volunteer along with the petitioners was absorbed in the grade of Assistant in the pay scale of 1595-3020 and other allowances. The grievanc of the petitioners is that they being senior most volunteers to that of N.Radha Krishna as such are entitled for promotion to the post of Assistant/Shroff and for regularization of their services in the post of Assistants. Hence the Writ Petition.

The case of the respondent is that the petitioners worked as volunteers and their services were regularized with effect from

1-8-1991 in accordance with G.O.Ms.No 391, dated 6-5-

1991. The petitioners never worked as Assistants and as such their regularization of services in the cadre of Assistants does not arise. The said Radha Krishna was discharging the duties as Assistant pursuant to the direction given in W.P.No.10115/93 by the Hon'ble High Court. Hence, sought for dismissal of the writ petition.

Admittedly, the petitioners were appointed as volunteers and their services were regularized in that cadre with effect from
1-8-1991 in accordance with G.O.Ms.No.391, dated 6-5-1991. As seen from the record, the petitioners never worked as Assistants and therefore, the regularization of their services in the cadre of Assistants does not arise. It is also stated that earlier, Writ Petition No.20092 of 1993 filed by the petitioners 1 and 3 for fixing their scale on par with the the scale of the Assistants was dismissed. In the circumstances, the Writ Petition fails and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costrs.

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09-09-2004.

HSD

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1.THE EXECUTIVE OFFICER, T.T.D.TIRUPATHI

2. 2 C.D COPIES